

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

IN THE MATTER

OF

HUEY CHOU LIN, M.D.

STATEMENT
OF
CHARGES

HUEY CHOU LIN, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 13, 1975, by the issuance of license number 123931 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 9, 2017, the Medical Board of California, Department of Consumer Affairs (hereinafter, "California Board") by a Decision and Order (hereinafter, "California Order"), accepted Respondent's voluntary surrender of his Physician's and Surgeon's Certificate No. A 35361. The surrender was based upon Respondent's having a mental illness affecting competency in violation of the California Business and Professions Code (hereinafter, "California Code") §822; gross negligence in violation of California Code §2234(b); repeated acts of negligence in violation of California Code §2234(c); and failure to maintain adequate and accurate medical records in violation of California Code §2266.

B. On or about December 29, 2016, Respondent underwent a mental examination ordered by the California Board. Upon completion of the examination, the psychiatrist concluded that Respondent has a mental illness or condition that impacts his ability to engage in the practice of medicine. It was the opinion of the psychiatrist that Respondent is unable to practice medicine safely at this time, Respondent's

impairment places the public at risk, and Respondent's limitations are beyond being addressed by monitoring or oversight.

C. The findings in the California Order related to the care and treatment of three patients which deviated from accepted standards of care in that Respondent failed to adequately perform preoperative evaluations of the patients including failure to perform additional preoperative workups and failure to review preoperative CT scans, failed to obtain oncology consults, failed to adequately assess the patients' medical histories, failed to properly identify structures intraoperatively, and failed to maintain adequate and accurate records relating to the care and treatment of each of the patients. These deviations from the standards of care, among others, resulted in the erroneous removal of one patient's spleen instead of the left kidney and two of the patients having died.

D. The conduct resulting in the disciplinary action taken against the Respondent would constitute professional misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(7) (Practicing the profession while impaired by a mental disability);
2. New York Education Law §6530(4) (Practicing the profession with gross negligence);
3. New York Education Law §6530(3) (Practicing the profession with negligence on more than one occasion); and/or
4. New York Education Law §6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient)

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§6530[7],[4],[3],[32]) as alleged in the facts of the following:

1. The facts in Paragraphs A, B and D and D.1; A, C and D and D.2; A, C and D and D.3; and/or A, C and D and D.4.

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or

suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530[7],[4],[3],[32]) as alleged in the facts of the following:

2. The facts in Paragraphs A, B and D and D.1; A, C and D and D.2; A, C and D and D.3; and/or A, C and D and D.4.

DATE: September 12, 2018
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct